

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 MAY 13 AM 9:40
RMT

UNITED STATES OF AMERICA,

Plaintiff,

v.

Alberto CAZARES-Rodriguez
(AKA: Jose Luis Trejo-Rodriguez)

Defendant.

) Magistrate Case No.
) '08 MJ 1480
)
) COMPLAINT FOR VIOLATION OF:
)
) Title 8, U.S.C., Section 1326

) Deported Alien Found in the
) United States
)
)
)

The undersigned complainant, being duly sworn, states:

On or about, **May 7, 2008**, within the Southern District of California, defendant, **Alberto CAZARES-Rodriguez, AKA: Jose Luis Trejo-Rodriguez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent;
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 13th DAY OF May 2008.


UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENNO

CONTINUATION OF COMPLAINT:**NAME: CAZARES-Rodriguez, Alberto, AKA: Trejo-Rodriguez, Jose Luis****PROBABLE CAUSE STATEMENT**

On May 7, 2008, the defendant identified as, Alberto CAZARES-Rodriguez AKA: Jose Luis Trejo-Rodriguez, was arrested in San Diego, California, by the San Diego Police Department for violation of Penal Codes 415 "DISTURBING THE PEACE" and 647 (E) "DISORDERLY CONDUCT: LODGE WITHOUT CONSENT" and booked into San Diego County Jail. On May 7, 2008, an Immigration Agent determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody. On May 12, 2008, the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about March 5, 1997, removed to Mexico on or about March 5, 1997 via the Nogales Port of Entry and most recently removed on or about November 8, 2004 via the Calexico, California, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Alberto CAZARES-Rodriguez, AKA: Jose Luis Trejo-Rodriguez, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

The defendant was admonished as to his rights per "MIRANDA", acknowledged his rights and waived those rights and elected to answer questions without counsel present. The defendant admitted that he is a citizen of Mexico by virtue of birth, was deported or removed from the United States to Mexico and had not obtained a waiver in order to re-enter the United States. The defendant further admitted that he unlawfully entered the United States on or about May 2, 2008, near San Ysidro, California, and admitted that he has no legal right to enter or reside in the United States.

Based upon the foregoing information, there is probable cause to believe that Alberto CAZARES-Rodriguez, AKA: Jose Luis Trejo-Rodriguez, has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, "Deported Alien Found in the United States".